

## Turnagain Community Comments – Case No. S11851-1

### **Request for Waiver by AWWU of Preliminary Plat Requirements for Proposed Tract 1, Simonson Tract Subdivision**

The Turnagain Community Council is **strongly opposed** to the request by AWWU for a waiver of Anchorage Municipal Code, Chapter 21.15.110, Approval of subdivision plats – Submission of preliminary plat, for the following reasons:

1. The boundary of the "**strip of land** north of Lots 1-8 of Block C, Simonson Estates Subdivision"<sup>1</sup> has never been platted and therefore a parent parcel currently does not exist that can be subdivided as shown on this preliminary plat. To date, the only matter of law that has been resolved concerning this "**strip of land**" is the ownership interest of the strip of land.
2. The various interests in the **strip of land** are not protect by a recorded plat, i.e. the coastal trail easement, municipal parcel (filled municipal tidelands), and the private land owners. The current "Trail Easement"<sup>2</sup> has not been identified on the plat. The current coastal trail easement would allow any addition to the pavement of the coastal trail to result in a direct loss to the private land owners within the **strip of land** according to the legal description of said easement. Similarly, erosion of the pavement over time or by a storm event would mean the loss of the trail easement due to the inadequate legal description for said easement. An earthquake could also make the trail easement incapable of being replaced since its location is not tied into a plat. The coastal trail easement must be protected and located through the platting process for the entire **strip of land**.
3. Finally, and most importantly, it is the trust obligation of AWWU as the governmental agency and the Platting Board to protect and identify the private and public interest in the **strip of land**. AWWU needs to be the standard by which the trust is fulfilled by following the requirements for platting the parent parcel. Remember, the original plat has been determined to be ambiguous for the **strip of land** subject to the court action and as such the subsequent Records of Survey for this area do not suffice and cannot, by code, subdivide land. The requested platting waiver request falls far below AWWU and the Municipality's responsibility to protect the public's interest in these lands and the integrity of the platting process.

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<sup>1</sup> Superior Court decision by Judge Michael Spaan dated April 28, 2008.

<sup>2</sup> Superior Court decision by Judge Michael Spaan, dated November 19, 2007.